P/1259-637



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Date: June 22, 2007

Fernand LABRIE

Confirmation No.: 3989

Serial No.:

10/052,803 Group Art Unit: 1617

Filed:

November 7, 2001

Examiner: Yong Soo Chong

For:

SELECTIVE ESTROGEN RECEPTOR MODULATORS IN COMBINATION

WITH ESTROGENS

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

#### **AMENDMENT/SUBMISSION**

Sir:

This is a response to the most recent Office Action in the above-identified application. Reconsideration of the application is respectfully requested.

### **FEE CALCULATION**

NO CLAIMS

<u>✓</u> No additional fee is required.

HIGHESTNO

	NO. CLAIMS		nidnest NO.						
	AFTER		<b>PREVIOUSLY</b>	•				1	ADDIT.
	AMENDMENT		PAID FOR EXTRA PR		TRA PRES	RESENT RATE			FEE
TOTAL	20	MINUS	43	* =	0	X	(\$25 SE or \$50)	\$0	
INDEP.	2	MINUS	4	** =	0	X	(\$100 SE or \$200)	\$0	
FIRST I	PRESENTATIO	N OF MU	ILTIPLE DEPE	NDENT	Γ CLAIM	X	(\$180 SE or \$360)	\$	
* not less than 20 ** not less than 3 TOTAL \$									

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

## **CONTINGENT EXTENSION REQUEST**

If this communication is filed after the shortened statutory time period had elapsed and no separate Petition is enclosed, the Commissioner of Patents and Trademarks is petitioned, under 37 C.F.R. § 1.136(a), to extend the time for filing a response to the outstanding Office Action by the number of months which will avoid abandonment under 37 C.F.R. § 1.135. The fee under 37 C.F.R. § 1.17 should be charged to our Deposit Account No. 15-0700.

# **SUMMARY OF AMENDMENTS**

If checked, an abstract (an amended abstract) is submitted herewith.
If checked, amendment(s) to the drawings are submitted herewith.
If checked, amendment(s) to the specification are submitted herewith.

4. If checked, amendment(s) to the claims are submitted herewith.

00848106.1 -2-

wherein Z is either absent or selected from the group consisting of  $-CH_2$ -,-0-,-S- and  $-NR_3$ -( $R_3$  being hydrogen or lower alkyl);

wherein the R100 is a bivalent moiety which distances L from the ring carbon to which  $R_{100}$  is attached by 4-10 intervening atoms;

wherein L is a bivalent or trivalent moiety selected from the group of -SO-, -CON-, -N<, and -SON<;

wherein  $G_1$  is selected from the group consisting of hydrogen, a  $C_1$  to  $C_5$  hydrocarbon, and a bivalent moiety which in combination with  $G_2$  and L is a 5-to 7- membered heterocyclic ring, wherein the foregoing may optionally be halogenated or unsaturated;

wherein  $G_2$  is either absent or selected from the group consisting of hydrogen, a  $C_1$  to  $C_5$  hydrocarbon, and a bivalent moiety which in combination with  $G_1$  and L is a 5-to 7- membered heterocyclic ring, wherein the foregoing may optionally be halogenated or unsaturated;

wherein G<sub>3</sub> is selected from the group consisting of hydrogen, methyl and ethyl; wherein said composition is a pharmaceutical dosage form suitable for administering to a patient.

Claim 2 (Previously presented) The pharmaceutical composition of claim 1, further comprising: a therapeutically effective amount of at least one additional agent selected from the group consisting of bisphosphonate, progestogen, an androgenic agent, testosterone, dehydroepiandrosterone, dehydroepiandrosterone-sulfate, androst-5-ene-3β,17β-diol, 4-androstene-3,17-dione, and a prodrug of any of the foregoing additional agents.

Claims 3-12 (Canceled)

Claim 13 (Previously presented) The pharmaceutical composition of claim 1, wherein the compound is a benzopyran of the following general structure: